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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRIAN DEVERICK LEWIS,)	Case No. CV 08-7336-DSF (DTB)
Plaintiff,)	
vs.)	ORDER ACCEPTING FINDINGS,
)	CONCLUSIONS AND
C. GULLET, et al.,)	RECOMMENDATIONS OF UNITED
Defendants.)	STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended Complaint, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. No objections to the Report and Recommendation have been filed herein. The Court concurs with and accepts the findings, conclusions and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that defendants' Motion to Dismiss for failure to state claim for the denial of access to the courts is granted with leave to amend; defendants' Motion to Dismiss based on qualified immunity is denied without prejudice; defendants' request to strike plaintiff's request for punitive damages is denied; and if plaintiff still desires to pursue a denial of access to the courts claim, plaintiff is required to file a Third Amended Complaint within thirty (30) days of the service of this Order approving and accepting the Report and Recommendation

1 remedying the deficiencies discussed in the Report and Recommendation.
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DALE S. FISCHER
UNITED STATES DISTRICT JUDGE